

REMARKS

This application is amended in a manner to place it in condition for allowance.

Claims 15, 17, 18, 20 and 34 are amended. Support for the amendment may be found generally throughout the specification, for example, the embodiment described in Figure 1.

Claims 16, 19, 21 and 22 are canceled.

Claims 15, 17, 18, 20, 23 and 24-34 remain pending in the application. Claims 25-32 are withdrawn from further consideration as being directed to a non-elected invention.

The Official Action rejects claims 15, 23, 24 and 33 under 35 USC 112, first paragraph, for not complying with the enablement requirement. This rejection is respectfully traversed.

The position of the Official Action is that the specification is enabling for a sample holder comprising inserts, but the specification is not enabling for a sample holder without inserts.

Accordingly, the independent claim 15 is amended to recite a sample holder comprising inserts.

Therefore, withdrawal of the rejection is respectfully requested.

Claims 16-22 and 34 are rejected under 35 USC 112, second paragraph, as being indefinite. This rejection is respectfully traversed.

The position of the Official Action is that the claims recite that the receiving regions are "mounted" onto the inserts. The Official Action states that it is unclear how a region can be mounted onto something.

However, as illustrated in Figure 2 of the present specification, receiving region (17) is "mounted" on the insert (15). Figure 1, however, does not illustrate the receiving region (17), as pointed out at page 9, lines 15-17 of the present specification. Instead, the areas of the inserts that are to be mounted by the receiving regions (17) are indicated with the number (17).

Therefore, the claims are definite, and withdrawal of the rejection is respectfully requested.

Claims 15-20, 23 and 33 are rejected under 35 USC 102(e) as being anticipated by PISHARODY et al. US 6,824,974 ("PISHARODY"). This rejection is respectfully traversed.

PISHARODY is offered for teaching a sensory array. The Official Action points to a passage in column 3, lines 50-62 of PISHARODY to suggest the shape of the electrodes used in the array. However, PISHARODY discloses that the electrodes may be any desired shape. Accordingly, PISHARODY suggests that the shape of the surface of the electrodes does not affect the main function of the invention.

However, according to the claimed invention, the possible shapes of the electrodes include plural, convexly curved

surface areas with a radius of 20-500 microns, which causes a technical effect as described in the present specification at page 3, line 19 to page 4, line 12. Thus, as this particular shape is presently recited in independent claim 15, PISHARODY cannot anticipate the claimed invention.

Therefore, withdrawal of the rejection is respectfully requested.

Claims 21, 22, 24 and 34 are rejected under 35 USC 103(a) as being unpatentable over PISHARODY. This rejection is respectfully traversed.

PISHARODY is offered for the reasons discussed above. Additionally, the Official Action recognizes that PISHARODY fails to disclose a radius of curvature for a convexly shaped electrode. The position of the Official Action is that it would have been obvious to make the radius of curvature for the convexly shaped electrode between 200-500 microns to optimize the ability of the electrode to support the sample thereon.

As discussed above, the shape of the electrodes comprising plural convexly curved surface areas with the radius of 20-500 microns causes a technical effect as described in the present specification, on page 3, line 19 to page 4, line 12. In particular, disclosed in the present specification that the facet-like structure allows one to choose the radius of curvature independently from the diameter of the electrode as a whole. However, this freedom of design according to the shape of the

electrodes can only be used purposefully if one knows the advantageous area of the diameters for an optimal mobilization of interaction partners, such as oligonucleotides.

However, this advantageous area of the diameters is not disclosed by PISHARODY, and the broad disclosure of a uniformly patterned shape and a convex shape does not provide sufficient guidance to modify PISHARODY to obtain the structure as recited in independent claim 15 of the present invention.

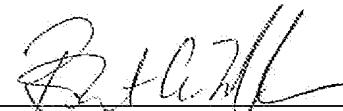
Therefore, PISHARODY cannot render obvious claim 15, as well as dependent claims 17, 18, 20, 23, 24, 33 and 34, and withdrawal of the rejection is respectfully requested.

In view of the amendment to the claims and the foregoing remarks, the present application is in condition for allowance at the time of the next Official Action. Allowance and passage to issue on that basis is respectfully requested.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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